

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31887 of 2007(U)

AGAINST THE ORDER IN EP 96/05 IN
OS.50/1999 of MUNSIFF COURT, MAVELIKKARA
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PETITIONER:

G.SIVARAMAN NAIR, AGED 62,
S/O. GOPALAN NAIR,
KAMALAYAM VEETIL,
PALLARIMANGALAM, THEKKEKARA VILLAGE,
MAVELIKARA.

BY ADV. SRI.R.PADMAKUMAR
SRI.R.T.PRADEEP
SRI.V.VIJULAL

RESPONDENTS:

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1. JOHN V.JOHN, AGED 57,S/O.JOHN
VILAYIL APPARTMENTS
PALLARIMANGALM MURI, THEKKEKKARA VILLAGE
MAVELIKARA.
 2. SUKUMARA PILLAI, AGED 67
S/O. PARAMESWARAN PILLAI
KANKALIL PADEETTETHIL PONAKAM MURI
THEKKEKARA VILLAGE
MAVELIKARA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KSS

M.N.KRISHNAN, J

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W.P.(C) No.31887 OF 2007

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Dated this the 26th day of October 2007

JUDGMENT

This writ petition is filed for a direction to the Sub Court, Mavelikkara to pass an order of adjudication in O.P.(Insolvency) 1/2007 and secondly to direct the Munsiff's Court to keep all the proceedings as against the petitioner in E.P.No.96/2005 in O.S.No.50/1999 in abeyance till an order of adjudication is passed in I.P.No.1/2007.

2. Heard the learned counsel for the petitioner. When a person is about to be sent to prison in pursuance of an order passed by the executing court and he appears before court he can always submit before the court that he has got even the intention to file the insolvency petition and get himself released with an undertaking that he will appear as and when ordered by the court. Now, in this case, the insolvency petition is filed and it is for that court to consider the question and pass appropriate orders. Since the civil liberty of a person is likely to be affected and he has already filed an insolvency petition, I direct the learned Sub Judge, Mavelikkara to consider and dispose of I.P.No.1/2007, as expeditiously as possible, within a period

of two months from today, especially in the light of the fact that it is a debtor's petition. If interim orders are necessary, it is for that court to consider and pass appropriate orders.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-